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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**COMMONWEALTH OF PUERTO RICO,
et al.,**

Defendants.

CIVIL NO. 12-2039 (GAG)

ORDER re: Commonwealth's Motion in Compliance at Docket No. 1669

The Commonwealth's motion in Compliance (Docket No. 1669) is hereby Noted. Foremost, the Court once again commends attorney Bandas as an officer of this Court for presenting the facts in the candid and informed manner he has. More so, the Court also recognizes that DPS Secretary Janer likewise has acted in the manner expected of any Commonwealth official.

Having said this, the Court is appalled to learn what has apparently transpired within PRPB, and the apparent efforts of certain unscrupulous individuals within the force to flaunt the merit based promotions process called upon by the Police Reform Agreement. More so, at a time when the Court repeatedly ordered a stay on all promotions from the rank of inspector and higher. See i.e. Minutes of October 16, 2020 Status Conference at Docket No. 1601 and Order of December 15, 2020 at Docket No. 1647. There is, thus, more than probable cause that such an internal conspiracy existed, and that its members have zero respect towards the Rule of Law, the Agreement, and countesses court orders. This may very well constitute criminally contemptuous conduct, as well as obstruction of justice or fraud.

Civil No. 12-2039 (GAG)

1 In light of the above, the Court hereby directs the Special Master, Dr. Alejandro Del Carmen,
2 and Deputy Special Master Thomas Petrowski to carry out a confidential investigation as to the
3 matter at hand. The same should begin with an interview of Secretary Janer, followed by those of
4 any other PRPB officials that are necessary. The incoming Secretary, Alexis Torres, will also be
5 informed of this order, and the Court has no doubt that he will likewise cooperate fully. The Special
6 Master will submit to the Court a confidential report of the matter, along with any recommendations,
7 which may include a referral to USDOJ. If warranted, the Special Master may request any necessary
8 orders from the Court, for individuals to appear or documents and information to be produced.

9 This order in no manner should be interpreted as precluding USDOJ from independently
10 investigating the serious matter at hand. Like the undersigned, certainly USDOJ counsel is also
11 greatly frustrated at what has apparently transpired, and will like to soon get to the bottom of things.

12 Finally, the undersigned notes that in nearly twenty years on the federal bench, of which
13 fifteen have been devoted to presiding over USDOJ-Commonwealth consent decree cases, this is the
14 first instance in which such a scandalous matter of this magnitude arises. Inducing a Secretary to
15 unknowingly commit fraud upon the Court, if evidenced, will certainly bring the full weight of the
16 law on those responsible.

17 **SO ORDERED.**

18 In San Juan, Puerto Rico this 30th of December , 2020.

19 *s/ Gustavo A. Gelpi*
20 GUSTAVO A. GELPI
21 Chief United States District Judge
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